

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to:

Federal Insurance Co., et al. v. al Qaida, et al., No. 03-cv-6978
Vigilant Insurance Co., et al. v. Kingdom of Saudi Arabia, et al., No. 03-cv-8591
Thomas Burnett, Sr., et al. v. Al Baraka Inv. & Dev. Corp., et al., No. 03-cv-9849
Estate of John P. O'Neill, Sr., et al. v. Kingdom of Saudi Arabia, et al., No. 04-cv-1922
Continental Casualty Co., et al. v. Al Qaeda, et al., No. 04-cv-5970
Cantor Fitzgerald Assocs., et al. v. Akida Inv. Co., et al., No. 04-cv-7065
Pacific Employers Insurance Co., et al. v. Kingdom of Saudi Arabia, et al., No. 04-cv-7216
Euro Brokers Inc., et al. v. Al Baraka Inv. & Dev. Corp., et al., No. 04-cv-7279
Beazley Furlonge Ltd. v. Saudi Binladin Group, Inc., et al., No. 16-cv-7456
Bowrosen, et al. v. Kingdom of Saudi Arabia, No. 16-cv-8070
McCarthy, et al. v. Kingdom of Saudi Arabia, No. 16-cv-8884
Aguilar, et al. v. Kingdom of Saudi Arabia, et al., No. 16-cv-9663
Addesso, et al. v. Kingdom of Saudi Arabia, et al., No. 16-cv-9937
Hodges, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-117
DeSimone v. Kingdom of Saudi Arabia, No. 17-cv-348
Aiken, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-450
Ashton, et al. v. Kingdom of Saudi Arabia, No. 17-cv-2003
The Underwriting Members of Lloyd's Syndicate 53, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-2129
The Charter Oak Fire Insurance Co., et al. v. Al Rajhi Bank, et al., No. 17-cv-2651
General Reinsurance Corp., et al. v. Kingdom of Saudi Arabia, No. 17-cv-3810
Abarca, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-3887
Arrowood Indemnity Co. v. Kingdom of Saudi Arabia, et al., No. 17-cv-3908
Abrams, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-4201
Abtello, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-5174
Aasheim, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-5471
Allianz Versicherungs-Aktiengesellschaft, et al. v. Kingdom of Saudi Arabia, No. 17-CV-6519
Muenchener Rueckversicherungs-Gesellschaft Aktiengesellschaft in Muenchen, et al. v. Kingdom of Saudi Arabia, et al., 17-cv-07914
Abbate v. Kingdom of Saudi Arabia, No. 17-cv-8617

**AFFIRMATION OF J. SCOTT TARBUTTON TRANSMITTING EVIDENCE IN
SUPPORT OF PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION TO THE
RENEWED MOTIONS TO DISMISS OF THE KINGDOM OF SAUDI ARABIA AND
SAUDI HIGH COMMISSION FOR RELIEF OF BOSNIA & HERZEGOVINA**

November 9, 2017

I, J. Scott Tarbutton affirm, under penalty of perjury, as follows:

1. I am an attorney admitted to practice *pro hac vice* in the above-captioned matter, and a member of the law firm Cozen O'Connor. I submit this Declaration to transmit to the Court the following documents submitted in support of Plaintiffs' Memorandum of Law in Opposition to the Renewed Motions to Dismiss of the Kingdom of Saudi Arabia and Saudi High Commission for Relief of Bosnia & Herzegovina ("SHC").

2. Pursuant to the Honorable George B. Daniels' October 30, 2017 Order (ECF No. 3773) authorizing the Plaintiffs' Executive Committees ("PECs") to file voluminous documentary materials and evidence offered in support of their Memorandum of Law with the Clerk of the Court, if needed, Plaintiffs have filed Exhibits 23-83 to this Affirmation with the Clerk's office via a thumb drive which is available to any party. Exhibits 1-22 have been electronically filed with this Affirmation.

3. Copies of the thumb drive have also been provided to counsel for the Kingdom of Saudi Arabia and counsel for the Saudi High Commission.

4. Attached hereto as Exhibit 1 is a true and correct copy of the Affirmation of Senator Joseph Robert "Bob" Kerrey, a Member of the National Commission on Terrorist Attacks Upon the United States ("9/11 Commission"), dated February 24, 2012 (ECF No. 2927-4).

5. Attached hereto as Exhibit 2 is a true and correct copy of the Affirmation of Secretary John F. Lehman, a Member of the National Commission on Terrorist Attacks Upon the United States ("9/11 Commission"), dated February 3, 2015 (ECF No. 2927-3).

6. Attached hereto as Exhibit 3 is a true and correct copy of the Declaration of Richard Ben-Veniste, a Member of the National Commission on Terrorist Attacks Upon the United States (“9/11 Commission”), dated October 12, 2017.

7. Attached hereto as Exhibit 4 is a true and correct copy of the April 19, 2016 article appearing in Real Clear Politics, *Declassify the Secret 28 Pages*, authored by Timothy John “Tim” Roehmer, a Member of the National Commission on Terrorist Attacks Upon the United States (“9/11 Commission”) (stating that the 9/11 “commission did not exonerate the Saudis”).

8. Attached hereto as Exhibit 5 is a true and correct copy of the transcript from *Anderson Cooper 360 Degrees*, televised by CNN on February 4, 2015 (“I spoke with another member of the 9/11 Commission Lee Hamilton and ask[ed] him about the line on the 9/11 report[] exonerating Saudi Arabia. He told me that the commission never claimed to give the final word on Saudi involvement and that sentence was written in his words very carefully to allow for the remaining questions.”).

9. Attached hereto as Exhibit 6 is a true and correct copy of the Affidavit of Michael T. Rochford, dated November 7, 2017.

10. Attached hereto as Exhibit 7 is a true and correct copy of the Affidavit of David Mitchell, dated November 7, 2017.

11. Attached hereto as Exhibit 8 is a true and correct copy of the Affirmation of Senator Daniel Robert “Bob” Graham, Co-Chair of the Joint Congressional Inquiry into the Terrorist Attacks of September 11, 2001, dated November 6, 2017.

12. Attached hereto as Exhibit 9 is a true and correct copy of the Affirmation of Evan Francois Kohlmann, dated November 9, 2017.

13. Attached hereto as Exhibit 10 is a true and correct copy of FBI Report, *Updates and Initiatives (as of 5 October 2012)* (“2012 FBI Summary Report”).

14. Attached hereto as Exhibit 11 is a true and correct copy of the Center for Religious Freedom of Freedom House and Institute for Gulf Affairs, *Saudi Arabia’s Curriculum of Intolerance With Excerpts from Saudi Ministry of Education Textbooks for Islamic Studies*, 2006.

15. Attached hereto as Exhibit 12 is a true and correct copy of Part Four, Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001 (the “28 Pages”), pp. 415-443, December 2002.

16. Attached hereto as Exhibit 13 is a true and correct copy of U.S. State Department Diplomatic Cable, *Bosnia: Algerian Case Continues to Draw Attention; Update on Outstanding Cases*, February 2002.

17. Attached hereto as Exhibit 14 is a true and correct copy of U.S. State Department Diplomatic Cable, *Terrorism Finance: Regulation of Charities*, May 2002.

18. Attached hereto as Exhibit 15 is a true and correct copy of U.S. State Department Diplomatic Cable, *Bosnia Counter-Terrorism Update*, July 2002.

19. Attached hereto as Exhibit 16 is a true and correct copy of U.S. State Department Diplomatic Cable, *Terrorist Finance: Bosnia’s Dirty Dozen*, November 2002.

20. Attached hereto as Exhibit 17 is a true and correct copy of U.S. State Department Diplomatic Cable, *Terrorist Finance: Al-Haramayn and Global Relief Face Criminal Charges*, November 2002.

21. Attached hereto as Exhibit 18 is a true and correct copy of U.S. State Department Diplomatic Cable, *Terrorist Finance: Dirty Dozen’s Web of Deceit*, August 2003.

22. Attached hereto as Exhibit 19 is a true and correct copy of a letter from Alawi Mohammed Saeed Kamel (Chairman, Dallah Avco) to H.E. Eng. Mohamed Ahmed Ai-Salmi (General Manager of Airway Engineering, Presidency of Civil Aviation), 18/12/1419 A.H. (corresponding to April 4, 1999) (DA001101-1102).

23. Attached hereto as Exhibit 20 is a true and correct copy of a letter from Engineer Muhammad Ahmad Al Salemi (General Manager of Airways Engineering) to His Excellency/Chairman of the Board of Directors of the Dallah Group, 20/12/1419G (corresponding to April 6, 1999) (DA001104).

24. Attached hereto as Exhibit 21 is a true and correct copy of a letter from Alawi Mohammed Saeed Kamel (Chairman, Dallah Avco) to H.H./President of Civil Aviation, 21/12/1419 A.H. (corresponding to April 7, 1999) (DA001110).

25. Attached hereto as Exhibit 22 is a true and correct copy of a letter from Dr. Ali Bin Abdul-Rahman Al-Khalaf (President of the Civil Aviation) to H.H. Assistant Minister of Defense and Aviation and Inspector General for Civil Aviation Affairs, 1/1/1420 A.H. (corresponding to April 17, 1999) (DA001357).

26. Attached hereto as Exhibit 23 is a true and correct copy of the 9/11 Commission Memorandum for the Record, Interview of Omar al Bayoumi, October 16-18, 2003.

27. Attached hereto as Exhibit 24 is a true and correct copy of the 9/11 Commission Memorandum for the Record, Interview of Fahad al Thumairy, February 23-25, 2004.

28. Attached hereto as Exhibit 25 is a true and correct copy of the 9/11 Commission Memorandum for the Record, Interview of Caysan bin Don, April 20, 2004.

29. Attached hereto as Exhibit 26 is a true and correct copy of the 9/11 Commission Memorandum for the Record, Interview of FBI Special Agent [Name Redacted], November 17, 2003.

30. Attached hereto as Exhibit 27 is a true and correct copy of the 9/11 Commission Memorandum for the Record, Interview of Osama Basnan, October 21-22, 2003.

31. Attached hereto as Exhibit 28 is a true and correct copy of the 9/11 Commission Memorandum for the Record, Interview of Khalil A. Khalil, February 25, 2004.

32. Attached hereto as Exhibit 29 is a true and correct copy of the 9/11 Commission Memorandum for the Record, Interview of Mohammad Al-Qudhaieen, October 26, 2003.

33. Attached hereto as Exhibit 30 is a true and correct copy of the 9/11 Commission Memorandum for the Record, Interview of Hamdan Bin Gharib Al-Shalawi, October 23, 2003.

34. Attached hereto as Exhibit 31 is a true and correct copy of the 9/11 Commission Memorandum for the Record, Interview of Muhammad Jabber Hassan Fakihi, October 21, 2003.

35. Attached hereto as Exhibit 32 is a true and correct copy of the 9/11 Commission Memorandum, Meeting with Members of Majlis Ash Shura, October 14, 2003.

36. Attached hereto as Exhibit 33 is a true and correct copy of the 9/11 Commission Memorandum, Summary of Interviews Conducted in Saudi Arabia, February 25, 2004.

37. Attached hereto as Exhibit 34 is a try and correct copy of the U.S. Department of Defense, Joint Task Force Guantanamo Detainee Assessment for Ghassan Abdallah Ghazi al-Shirbi (a/k/a Abdulah al-Sharbi), October 15, 2004.

38. Attached hereto as Exhibit 35 is a true and correct copy of FBI Report, *Fahad Althumairy (NON-USPER), IT-OTHER (UBL/AL-QAEDA)*, September 4, 2002.

39. Attached hereto as Exhibit 36 is a true and correct copy of FBI Report, *Fahad Althumairy (NON-USPER), IT-OTHER (UBL/AL-QAEDA)*, October 25, 2002.

40. Attached hereto as Exhibit 37 is a true and correct copy of FBI Report, *Omar Al Bayoumi, Employed By Dallah Al Baraka*, April 15, 2002.

41. Attached hereto as Exhibit 38 is a true and correct copy of FBI Report, *Connections of San Diego PENTTBOMB Subjects to the Government of Saudi Arabia* (Version #1).

42. Attached hereto as Exhibit 39 is a true and correct copy of FBI Report, *Connections of San Diego PENTTBOMB Subjects to the Government of Saudi Arabia* (Version #2).

43. Attached hereto as Exhibit 40 is a true and correct copy of FBI Report, *Connections of San Diego PENTTBOMB Subjects to the Government of Saudi Arabia* (Version #3).

44. Attached hereto as Exhibit 41 is a true and correct copy of FBI Report, *Connections of San Diego PENTTBOMB Subjects to the Government of Saudi Arabia* (Version #4), FBI Document Compiled by the JICI Task Force, ASAC Robert Blecksmith (October 9, 2002).

45. Attached hereto as Exhibit 42 is a true and correct copy of FBI Report, *PENTTBOMB; Major Case 182*, October 3, 2001 (Version #1).

46. Attached hereto as Exhibit 43 is a true and correct copy of FBI Report, *PENTTBOMB; Major Case 182*, October 3, 2001 (Version #2).

47. Attached hereto as Exhibit 44 is a true and correct copy of FBI Report, *PENTTBOMB; Major Case 182*, October 3, 2001 (Version #3).

48. Attached hereto as Exhibit 45 is a true and correct copy of FBI 302 Statement concerning Omar al Bayoumi, September 22, 2001.

49. Attached hereto as Exhibit 46 is a true and correct copy of FBI Report, *PENTTBOMB*, April 11, 2002.

50. Attached hereto as Exhibit 47 is a true and correct copy of FBI Report, *Mihdar Mohammad Al-Mihdar Zaid, A.K.A. Mohdar Mohamed Abdullah; IT-UBL/Al QAIDA*, May 17, 2004.

51. Attached hereto as Exhibit 48 is a true and correct copy of FBI Report, *Mihdar Mohammad Al-Mihdar Zaid, A.K.A. Mohdar Mohamed Abdullah; IT-UBL/Al QAIDA*, May 18, 2004.

52. Attached hereto as Exhibit 49 is a true and correct copy of Excerpts from FBI 302 Statement concerning Omar al Bayoumi and Mohdar Abdullah, January 15, 2002 and January 11, 2001.

53. Attached hereto as Exhibit 50 is a true and correct copy of FBI Report, *PENTTBOMB; Major Case 182*, August 6, 2002.

54. Attached hereto as Exhibit 51 is a true and correct copy of FBI Report, *[Redacted] UBL – Al QAEDA*, August 6, 2002.

55. Attached hereto as Exhibit 52 is a true and correct copy of FBI Report, *PENTTBOMB; Major Case 182*, June 3, 2002.

56. Attached hereto as Exhibit 53 is a true and correct copy of FBI 302 Statement concerning Qualid Benomrane, March 7, 2002.

57. Attached hereto as Exhibit 54 is a true and correct copy of FBI Report, *Ziyat Kharfan, a.k.a. Ziad Mohamad Karfan; IT-UBL*, January 8, 2002.

58. Attached hereto as Exhibit 55 is a true and correct copy of FBI Report, *Ali Ahmad Mesdaq; International Terrorism-Usama Bin Laden*, January 28, 2002.

59. Attached hereto as Exhibit 56 is a true and correct copy of FBI 302 Statement, January 15, 2002 (Version #1).

60. Attached hereto as Exhibit 57 is a true and correct copy of FBI 302 Statement, January 15, 2002 (Version #2).

61. Attached hereto as Exhibit 58 is a true and correct copy of FBI 302 Statement, January 15, 2002 (Version #3).

62. Attached hereto as Exhibit 59 is a true and correct copy of FBI 302 Statement of Caysan Bin Don, October 8, 2001.

63. Attached hereto as Exhibit 60 is a true and correct copy of FBI 302 Statement concerning Mohdar Mohamed Abdullah, September 22, 2001.

64. Attached hereto as Exhibit 61 is a true and correct copy of FBI Report, *PENTTBOMB; Major Case 182*, September 16, 2001.

65. Attached hereto as Exhibit 62 is a true and correct copy of FBI Report, *Twin Towers Bombings*, September 12, 2001.

66. Attached hereto as Exhibit 63 is a true and correct copy of FBI Report, *Biographical Information on the 19 Suspected Hijackers*, September 29, 2001.

67. Attached hereto as Exhibit 64 is a true and correct copy of FBI Report, *Hamdan Ghareeb Al-Shalawi; IT-UBL/AL QAEDA*, October 16, 2003.

68. Attached hereto as Exhibit 65 is a true and correct copy of FBI Report, *Interview of Omar Ahmed Mustafa Al-Bayoumi*, September 17, 2003 (Version #1).

69. Attached hereto as Exhibit 66 is a true and correct copy of FBI Report, *Interview of Omar Ahmed Mustafa Al-Bayoumi*, September 17, 2003 (Version #2).

70. Attached hereto as Exhibit 67 is a true and correct copy of FBI 302 Statement concerning Omar Ahmed Mustafa Al-Bayoumi, August 18, 2003.

71. Attached hereto as Exhibit 68 is a true and correct copy of FBI Report, *Hijackers Timeline*, November 14, 2003.

72. Attached hereto as Exhibit 69 is a true and correct copy of Substitution for the Testimony of Khalid Sheikh Mohammed, Defendant's Trial Exhibit #941, *United States v. Moussaoui*, No. 01-455-A (E.D. Va. 2006).

73. Attached hereto as Exhibit 70 is a true and correct copy of Prosecution Trial Exhibit #AQ01677T, *United States v. Moussaoui*, No. 01-455-A (E.D. Va. 2006).

74. Attached hereto as Exhibit 71 is a true and correct copy of FBI Report, *Anwar Nasser Aulaqi*, September 26, 2001 (Version #1).

75. Attached hereto as Exhibit 72 is a true and correct copy of FBI Report, *Anwar Nasser Aulaqi*, September 26, 2001 (Version #2).

76. Attached hereto as Exhibit 73 is a true and correct copy of FBI Report, *PENTTBOMB*, September 26, 2001.

77. Attached hereto as Exhibit 74 is a true and correct copy of FBI Report, *Anwar Nasser Aulaqi, aka N.A. Aulaqi, Anwar N. Alaulaqui; IT-UBL*, October 23, 2001.

78. Attached hereto as Exhibit 75 is a true and correct copy of FBI 302 Statement concerning Anwar Nasser Aulaqi, September 27, 2001.

79. Attached hereto as Exhibit 76 is a true and correct copy of FBI Report, *Anwar Aulaqi; IT-UBL*, May 9, 2002.

80. Attached hereto as Exhibit 77 is a true and correct copy of FBI Memorandum, *Abu Atiq Anwar Aulaqi*, December 1, 2006.

81. Attached hereto as Exhibit 78 is a true and correct copy of FBI documents released in response to a Freedom of Information Act (“FOIA”) request concerning Anwar Nasser Aulaqi and Umar Farouk Abdul Mutallab.

82. Attached hereto as Exhibit 79 is a true and correct copy of FBI Report, Shareef Abdulmuttaleb El-Arbi, (USPER), IT-UBL/AL-QAEDA, February 4, 2003 (Version #1).

83. Attached hereto as Exhibit 80 is a true and correct copy of FBI Report, Shareef Abdulmuttaleb El-Arbi, (USPER), IT-UBL/AL-QAEDA, February 4, 2003 (Version #2).

84. Attached hereto as Exhibit 81 is a true and correct copy of FBI Report, Shareef Abdulmuttaleb El-Arbi, (USPER), IT-UBL/AL-QAEDA, February 4, 2003 (Version #3).

85. Attached hereto as Exhibit 82 is a true and correct copy of Excerpt from FBI Report concerning Anwar Nasser Aulaqi, September 15, 2001.

86. Attached hereto as Exhibit 83 is a true and correct copy of Excerpt from FBI Report concerning Anwar Aulaqi, September 21, 2001.

Executed in Philadelphia, Pennsylvania on November 9, 2017.

/s/_____
J. Scott Tarbutton, Esq.

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